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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
0275S-001379/US/NP

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Application Number
10/554,939

Filed
December 11, 2006

First Named Inventor
Daniel Bone et al.

On _____

Art Unit
3723

Examiner
Hadi Shakeri

Signature _____

Typed or printed name _____

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

Attachment (5) pages

I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 44,390.

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

DONALD G. WALKER

Typed or printed name

248-641-1600
Telephone number

March 6, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of One forms are submitted.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/554,939
Filing Date: December 11, 2006
Applicant: Daniel Bone et al.
Group Art Unit: 3723
Examiner: Hadi Shakeri
Title: SCREW FEEDER
Attorney Docket: P-US-CS 1152

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants respectfully submit that there are clear errors in the rejections set forth in the Final Office Action mailed December 10, 2007 and subsequent Advisory Action mailed February 11, 2008. Specifically, the cited art fails to disclose each element of the pending claims. Therefore, this Pre-Appeal Brief Request for Review is necessary and proper.

The Pending Claims

Claims 1-18 are finally rejected under 35 U.S.C. § 102(b) as being anticipated by Petrantoni (US 5,584,221).

Remarks and Arguments

Independent Claims 1 and 16 each include the limitations that a holding portion is in communication with a magazine and comprises at least one jaw pivotable about a longitudinal axis between first and second positions. The at least one jaw is arranged to restrict entry of a screw into the holding portion when in the first position and allow entry

of a screw into the holding portion when in the second position as well as releasably restrain a screw passed to the holding portion by the magazine under action of a first biasing means. The last paragraph of claims 1 and 16 further notes that screws from the magazine are fed in succession to the holding portion under action of the first biasing means and releasably restrained in the holding portion following retraction of the screwdriver bit from the holding portion. The Final Office Action's rejection of the claims based on Petrantoni is in clear error.

Final Office Action Dated December 10, 2007

In characterizing Petrantoni (U.S. Pat. No. 5,584,221), the Examiner states that Petrantoni discloses all of the limitations of claims 1-18 including a holding portion (40) comprising at least one pivotable jaw (44). These rejections are in clear error.

Independent claims 1 and 16 call for a holding portion for releasably retaining screws passed thereto from the magazine, wherein the holding portion comprises at least one jaw pivotable about a longitudinal axis between first and second positions, the at least one jaw arranged to restrict entry of a screw into the holding portion when in the first position and allow entry of a screw into the holding portion when in the second position as well as releasably restrain a screw passed to the holding portion by the magazine under action of the first biasing means, in combination with the other elements of claim 1. The Applicants respectfully submit that Petrantoni does not disclose these claimed elements. On the contrary, Petrantoni discloses a three-sectioned, internally tapered chuck identified as discharge chamber 41 centered in discharge housing 40. A plurality of vertically spaced apart annular retention springs 42 bias the three sections radially inwardly toward one another. Discharge housing 40 is

internally splined as at numeral 43 to receive radially disposed fins 44, there being one fin 44 integral with each of the three internal chuck sections, and there being one fin received within each spline as depicted. The configuration of the components of the expanding screw retention chuck provides for radial outward expansion of the three-piece chuck (Col. 5, lines 40-56, Figures 2 and 3 of Petrantoni). Accordingly, the Applicants respectfully submit that Petrantoni does not disclose a holding portion having a jaw pivotable about a longitudinal axis between first and second positions as claimed.

Claims 1 and 16 further recite that the at least one jaw is arranged to releasably restrain a screw passed to the holding portion by the magazine under action of the first biasing means. The Applicants respectfully submit that Petrantoni does not disclose such an arrangement. On the contrary, Petrantoni discloses spring 25 biasing screws 32 toward a leading end of magazine 22 but not toward a holding portion that includes at least one pivotable jaw. As such, the Applicants respectfully submit that Petrantoni fails to disclose at least one jaw arranged to releasably restrain a screw passed to the holding portion by the magazine under action of the first biasing means.

The last paragraph of claims 1 and 16 further defines that the screws from the magazine are fed in succession to the holding portion under action of the first biasing means and releasably restrained within the holding portion following retraction of the screwdriver bit from the holding portion. The Applicants respectfully submit that Petrantoni does not disclose a screw feeder as defined by the last paragraph of claims 1 and 16, in combination with the other elements of the claims. On the contrary, Petrantoni discloses discharge housing 40 and its internal components acting merely as a positioning chuck means to guide each screw 32 to keep the screw properly aligned

when driven by bit 20 into the receptor material as depicted in the animation of Figures 20-22 (Col. 5, lines 61-65). The discharge housing 40 of Petrantoni is empty following retraction of the screwdriver bit. Accordingly, the Applicants respectfully submit that Petrantoni fails to disclose a holding portion that is fed screws in succession under action of the first biasing means where the screws are releasably retained within the holding portion following retraction of screwdriver bit from the holding portion where the holding portion includes a pivotable jaw.

Claim 13 recites that insertion of a screwdriver bit into the holding portion causes movement of the at least one jaw against a second biasing means toward the second position, thereby to permit commencement of passing of a screw into the holding portion from the magazine. The present application describes screwdriver bit 16 urging jaws 38, 38' apart during axial displacement of the screwdriver bit to allow a first screw 32 to be partially fed into the holding recess, the first screw 32 rests on top of the screwdriver bit 16. As the bit 16 is withdrawn from the holding recess, jaws 38, 38' are urged toward the closed position by spring 52 and urge first screw 32 downward into the holding recess (Paragraph 52 of pending application).

Petrantoni does not disclose such structure and does not operate in this manner. Bit 20 of Petrantoni engages screw 32 while the screw is not positioned within discharge housing 40. Bit 20 drives screw 32 into an empty discharge housing 40 and into a workpiece. During this operation, screw 32 causes portions of the three-piece chuck to radially outwardly expand. Bit 20 continues to enter the expanding screw retention chuck as screw 32 is driven. However, the next screw 32 is not permitted to commence passing into the holding portion based on insertion of the screwdriver bit into the holding

portion causing movement of the jaw toward the second position. As such, the rejection of claim 13 is improper.

Advisory Action

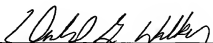
In the Advisory Action dated February 11, 2008, the Examiner states that the Applicants' arguments fail to indicate what element or structure recited in the claims is not met by Petrantoni (holding portion 40; pivotable jaw 44/biasing means 24), since as indicated in the previous Office Action, Petrantoni meets the narrative/functional language. The Applicants respectfully disagree with the Examiner's statement and refer to the detailed arguments set forth on pages 8 and 9 of the Response to Final Office Action dated January 30, 2008.

Conclusion

The Applicants submit that the Examiner has failed to provide a prior art reference under 35 U.S.C. § 102(b) disclosing each and every element of the presently pending claims and that clear errors exist in the present rejections.

Respectfully submitted,

Dated: March 6, 2008

By: 
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